

# EXHIBIT KK

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN)  ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN)  ECF Case

**DECLARATION OF PEDRO PICHARDO**

I, Pedro Pichardo, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached herein as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship.

3. On September 11, 2001, I was present in New York City when the terrorist attacks of the World Trade Center Towers occurred. At the time of these horrific attacks, I was a maintenance worker with American Building Maintenance. I worked on the 58th floor of 2 World Trade Center (2 WTC).

4. On September 11, 2001, I arrived early at work to walk my wife, a new employee with American Building Maintenance, through her work assignments. I then arrived at my duty post on the 58th floor of 2 World Trade Center at around 8:00 a.m. Shortly thereafter, I boarded an elevator in 2 WTC. At about that time, the first airplane collided with 1 World Trade Center, and the passenger elevator suddenly shook. I thought nothing of the elevator shaking

though, as I had felt similar elevator tremors in the past. However, when I looked out the window on the 57th floor, I saw a huge hole in the side of 1 WTC that spanned about eight to ten stories. I thought that a bomb had exploded in 1 WTC. I then saw horrible events transpire as I looked out the window of 2 WTC. The air around 1 WTC was filled with smoke, fire, and debris. I saw people pleading for help and others that were jumping from the building to their deaths. I couldn't believe what I was seeing at first. People were falling like pieces of paper. These images still haunt me to this day.

5. I immediately thought of my wife as she was still working on the 81st Floor of 2 WTC, and I was deeply concerned as I knew that she was not familiar enough with the building to escape on her own. I took the elevator down to the 44th floor so that I could catch an express elevator to her floor. Once I reached the 44th floor, I saw people packed into the elevators as they attempted to leave the building. I then tried another set of elevators, but the security guard prevented me from using those to reach my wife. Next, I tried to go up the stairs. However, the flow of the crowd heading down the stairs prevented me from going up. Finally, despite all of my efforts to reach my wife and escort her to safety, the tide of people rushing down the stairwell forced me to go down as well.

6. When we reached about the 40th floor in the stairwell, the building shook violently. I later learned that at that moment, United Airlines Flight 175 had plunged into 2 WTC. The impact of the explosion threw me forward, and I then struck the floor with my head and chest. A large number of people then fell on top of me, and others trampled my legs as they tried to run down the steps. After what seemed like minutes, someone finally helped me to stand up. At that point, the lights in the stairwell went out, and the area became filled with smoke and

debris. I could also feel an intense heat above me. The people around me screamed as the building continued to shake violently.

7. Determined to escape the building, I continued to move down the stairs as fast as I could, although I continued to fall down as I made my way. I tried to exit through the lobby, but there were too many people. I then made my way down to the mezzanine level to try and exit the building through the plaza. However, the plaza floor looked like a war zone. I saw dead bodies, body parts, and building debris scattered all over the area. As I looked out onto the plaza, people continued to fall to their deaths in that area. I then turned back and went down the stalled escalator to the concourse level.

8. At this point, I stopped at the concourse level to search for my wife. I grew desperate as I was unable to locate my wife through the sea of people fleeing the area. I reminded myself that she was a new employee and that many people still didn't know her. While I searched for my wife, I directed everyone out of the building as they came by my area. Although the police kept directing me to leave, I refused to escape the area without my wife. Finally, I saw a co-worker and he told me that he thought he had seen my wife exit the building through another door. At that point, the police officer insisted that I leave the building as well.

9. Once outside of 2 WTC, I continued to search for my wife. As I continued my search, a supervisor instructed me to gather my co-workers for a head count. As I watched 2 WTC continue to burn, I began to run away from the area as I feared that the building would soon collapse. I fell while running from the area, and I was again trampled by the fleeing crowd. As I looked back to the area of 2 WTC, a huge cloud of smoke and debris surrounded me as I watched in horror while the South Tower collapsed. The frenzied crowd continued to run over me. I managed to crawl out of the way and I limped over to a nearby building. The occupants of

that building refused to let me enter because of all the debris that was flying around. I found another building and I went inside to catch my breath and rest a little. When the smoke cloud finally dissipated, I ran back outside into the open to search for my wife. I stayed in the area of Ground Zero and desperately searched for my wife until the evening of 9/11.

10. Exhausted from all that I had experienced and witnessed at Ground Zero, I made it home later that evening after I picked up my children. All the while, I kept thinking of my wife and how I hoped that I would not be a widower. I called home before I arrived and I received incredibly wonderful news: my brother in law informed me that my wife had survived the terrorist attacks on 9/11 and had called him to confirm her safety. We were finally reunited as a family the following day.

11. As a result of these terrorist attacks, I suffered the following specific physical injuries on September 11, 2001: a peripheral tear of the medial meniscus/cartilage of my left knee, an anterior ligament tear and joint effusion of my left knee, joint effusion of my right knee, herniated discs at C5-C6, herniated disc at L5-S1, cervical spine derangement, traumatic cervical myofascitis, lumbar derangement, traumatic myofascitis lumbar spine, right ankle sprain, tendonitis right knee, facial burns, respiratory issues, blunt head trauma, cerebral concussion, and post-concussion syndrome.

12. Further, I suffered, and continue to suffer, severe emotional distress as a result of these terrorist attacks. I suffered and continue to suffer from anxiety and bouts of depression due to these traumatic events. I have been diagnosed with PTSD and acute anxiety due to the horrific events that I witnessed on 9/11 .

13. I sought and continue to seek medical attention for my injuries caused by these terrorist attacks. Attached as Exhibit B to this Declaration is a true and correct copy of my select

relevant medical records related to the treatment that I received for my physical and emotional injuries following the September 11, 2001, terrorist attacks.

14. I previously pursued a claim through the September 11 th Victim Compensation Fund (VCF Number 212-00560) specifically related to my physical injuries incurred on September 11, 2001, and my claim was determined to be eligible for compensation.

I DECLARE, VERIFY AND STATE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 3rd day of October 2020.

  
Declarant Pedro Pichardo

**EXHIBITS  
FILED  
UNDER SEAL  
(ECF No.  
5716)**